

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Quentes Wells, #245021,

Plaintiff,

vs.

Ofc. Christopher Broad, Ofc. Mr. Kelly,
Lt. Ms. Salmond, and Sgt. Mr. Baker,

Defendants.

Civil Action No.: 4:14-cv-2572-RBH-TER

**NOTICE OF MOTION AND MOTION
FOR EXTENSION OF TIME TO FILE
DISPOSITIVE MOTIONS**

TO: QUENTES WELLS, *PRO SE* PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that Defendants Christopher Broad, Thomas Kelly, Serbernia Salmond, and Rodney Baker (“Defendants”), by and through the undersigned attorneys, will bring the foregoing Motion for a hearing before the United States District Court Judge or their designee at such time and place as may be set by the Court thereafter of which you will be notified.

These Defendants respectfully move this Court pursuant to Local Civil Rule 6.01, D.S.C., for an extension of time to file dispositive motions in this case, for the following reasons:

The Answer of Defendants Kelly, Salmond and Baker was filed in this case on October 19, 2014. (ECF No. 12). The Answer of Defendant Broad was filed on October 21, 2014. (ECF No. 12). The Scheduling Order currently governing this case provides that dispositive motions are to be filed no later than March 28, 2015. (ECF No. 50). The Defendants respectfully request a seven (7) day extension, or until April 4, 2015, to file their dispositive motions. The noted deadline has previously been extended by this Court when it granted Plaintiff’s Motion for

Extension of Time and Defendants' Motions to Enlarge Time to Complete Discovery and File Dispositive Motions. (ECF Nos. 27-28, 43-45, and 50).

This Motion is made because counsel for Defendants deposed the Plaintiff, who at his deposition identified three alleged (3) fact witnesses who are inmates incarcerated in the South Carolina Department of Corrections and identified new additional documents related to Plaintiff's allegations. Further, this Motion is made because counsel for Defendants has had a number of matters to attend to in other cases pending in both the Federal and State Courts in recent weeks, including preparing for trial in another case filed by a *pro se* prisoner, where the Plaintiff named twenty-nine (29) individual Defendants. Additionally, while counsel for the Defendants has investigated the Plaintiff's claims and obtained most of the relevant information and documentation, this investigation is not yet complete and defense counsel needs additional time in order to obtain additional relevant documentation from the appropriate parties and collect additional necessary Affidavits needed to file proper dispositive Motions. This includes the need for more time to obtain additional necessary Affidavits from those Defendants who are no longer employed with the South Carolina Department of Corrections.

No other deadlines will be affected. Counsel for these Defendants is informed and believes that the requested extension, if granted, would not prejudice the Plaintiff or in any way.

Because this Motion contains a full explanation of its grounds, Defendants forego filing a supporting memorandum, pursuant to Local Rule of Civil Procedure 7.04, as such memorandum would serve no useful purpose. Additionally, as the Plaintiff is a *pro se* inmate, counsel certifies that any consultation regarding this matter with the Plaintiff is impractical.

For the reasons set forth herein, the undersigned counsel respectfully requests a seven (7) day extension of time to file dispositive motions on behalf of the Defendants.

Respectfully submitted,

s/Richard E. Marsh, III

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March 28, 2015